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February 22, 1993

WRITERS DIRECT DIAL

(202) 457-5282

VIA TELECOPY

Peter Raack, Esq.
Assistant Regional Counsel
United States Environmental
Protection Agency
Region IV
345 Courtland Street N.E.
Atlanta, GA 30365

Re: Carrier Air Conditioning Site, Collierville, TN

Dear Mr. Raack:

Please make this letter a part of the Administrative Record for the above-referenced site, as it contains Carrier Corporation's responses to several provisions of the unilateral administrative order (UAO) issued by EPA Region IV on February 11, with an effective date of February 16.

This letter confirms our meeting at 11 a.m., this Friday, February 26, 1993, at your offices in Atlanta. This conference is taking place pursuant to section XXX of the Unilateral Administrative Order (UAO) issued by EPA Region IV on February 11, 1993. As you and I discussed that afternoon when you called to advise me of the issuance of the UAO, Carrier desires to meet with EPA to discuss implementation of the UAO and related technical issues. We appreciate this opportunity to confer about the terms of the UAO and the issues it raises. Among other items we wish to discuss at that meeting will be the site definition and title recording obligations, site access requirements for off-site monitoring wells, financial assurance and liability insurance. We also wish to discuss coordination of the UAO timetable with the Data Quality Objective (DQO) process EPA has undertaken in connection with this site. Obviously it is in everyone's interest to mesh these processes as smoothly as possible.



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Carrier will be sending myself, as Carrier's lawyer, Messrs. Philip Coop and Craig Wise of En-Safe, Carrier's designated response action contractor (RAC) under section VIII.C. of the UAO and section 119(a) of CERCLA, and Messrs. Nelson Wong and Carl Krull of Carrier. Mr. Wong will be Carrier's designated project coordinator under Section XVII.A. of the UAO. There may be one additional Carrier employee in attendance. I understand that you and Ms. Beth Brown, the EPA remedial project manager (RPM) will be in attendance for EPA. Unfortunately, EPA's other technical personnel working on the DQO process are evidently unable to attend at any time in February, so that detailed discussions about the technical issues in DQO may have to await a later meeting, even though the mechanics and timing of that process and the UAO can be discussed at this meeting.

Pursuant to section VIII.C. of the UAO, Carrier has designated Environmental Safety and Designs (En-Safe) of Memphis, TN to be the supervising contractor used to carry out the work under this order. Pursuant to section VIII.C., this letter transmits a copy of En-Safe's materials, in the form of a February 18, 1993 letter addressed to me, setting forth En-Safe's name, title, and qualifications, including primary support entities and staff, proposed to be used in carrying out the Work performed under the UAO. EPA is quite familiar with En-Safe at this site from En-Safe's work in preparing the RI/FS pursuant to the September 1989 Administrative Order on Consent (AOC) concerning this site, as well as joint work over this past year concerning the DQO process as it relates to this Site. Please let me know if EPA needs any further documentation pursuant about En-Safe or any other entity under Section VIII. C. of the UAO.

Pursuant to section XVII.A of the UAO, Carrier has designated Mr. Nelson Wong to be its designated Project Coordinator. Mr. Wong's mailing address and phone number are:

Mr. Nelson Wong
Carrier Corporation
Carrier Parkway
P.O. Box 4808
Building TR-18
Syracuse, New York 13221
(315) 432-6028 (6002-receptionist)
(315) 432-3344 (fax)

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Pursuant to section XXIX of the UAO, Carrier intends to comply with all lawful provisions of the UAO issued February 11, 1993, including the performance of remedial design, remedial action, operation and maintenance, and performance monitoring as set forth and developed under the statement of work which accompanies the UAO. Carrier, for reasons we discussed in detail in negotiations over a possible consent decree, believes that many provisions of the UAO, including certain definitions, are in excess of EPA's legal authority. Carrier will identify these disagreements in a memorandum it will submit for the record in the near future. As was the case in the successful performance of the RI/FS, Carrier does not believe that these disagreements over EPA's legal authority will be an impediment to the performance of the actual engineering work at this site.

Please call me if you should have any questions about this letter or about our upcoming meeting. I look forward to seeing you on Friday.

Sincerely,

A handwritten signature in cursive script, reading "Russell V. Randle".

Patton, Boggs & Blow
Counsel to Carrier Corporation
By Russell V. Randle

cc: Ms. Beth Brown, RPM